

REMARKS

Applicant respectfully requests reconsideration of the instant application in view of the amendments, herein, and the following remarks:

The following claims are *pending*: 157-209.

The following claims are *independent*: 157, 196.

The following claims have previously been *cancelled* without prejudice or disclaimer: 1-156.

Please *add new* claims 191-209 and please *amend* claims 157-163, 165-168, 170-172, 174-178, 183, and 186-190; although these claims have been amended herein to provide clarification, correct typographical inaccuracies and/or informalities, and/or to better track practical/commercial implementations/practices (hereinafter “amendment,” “amendments,” and/or “amended”), Applicant submits that the originally filed claims are patentable and reserves the right to pursue the originally filed claims (as well as any claims dependent therefrom) at a later time and/or in one or more continuation/divisional application(s). Applicant submits that these new claims and/or claim amendments are supported throughout the originally filed specification and that no new matter has been added by way of these amendments.

Claim Rejections - 35 U.S.C. § 112

The Office Action rejected claims 157-190 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicant respectfully traverses the rejections, and submits that the noted claims all satisfy the requirements of 35 U.S.C. § 112. Applicant asserts that claims 157-190 are supported throughout the originally filed specification, drawings and claims. By way of non-limiting example only, originally filed claim 147 recites, "... offering filtered viewing of said interactions, the filtering taking into account the received rating data." Applicant submits additional description and support may be found elsewhere and throughout the specification, drawings and claims. Nevertheless, to further clarify the claimed elements and expedite prosecution Applicant has amended claim 157 to recite, "presenting...selected ones...on the basis...of the third rating data entries." Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections and allowance of claims.

With regard to the Office Action's assertion that "Applicant's specification publication [par. 0296-0297] appears to teach the 'collaborative filtering methods ...,' " Applicant notes that the specification describes various filtering methods, and is not limited to the "collaborative filtering methods."

The Office Action rejected claims 157-190 under 35 U.S.C. § 112, second paragraph, as allegedly failing to comply with the written description requirement. Although Applicant respectfully traverses the rejections, and submits that the noted claims all satisfy the requirements of 35 U.S.C. § 112, Applicant has amended these claims to correct the

informalities and further clarify the claim elements. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections and allowance of claims.

Claim Rejections - 35 U.S.C. § 103

The Office Action rejected claims 157-190 under 35 U.S.C. § 103(a), allegedly, as being unpatentable over Gakidis, et al., US Publication No. 2002/0095305 (hereinafter “Gakidis”).

Requirements to Establish Prima Facie Obviousness

The Supreme Court in *Graham v. John Deere Co. of Kansas City* prescribed that a *prima facie* showing of obviousness under 35 U.S.C. § 103 requires that, “the obviousness or nonobviousness of the subject matter [be] determined,” and details further requirements, commonly referred to as “Graham factors,” which include that “[1] the scope and content of the prior art [be] determined, [2] differences between the prior art and the claims at issue [be] ascertained, and [3] the level of ordinary skill in the pertinent art [be] resolved.” *Graham*, 383 U.S. at 1, 17 (1966). To comply with the Graham factors, as introduced in *Graham* and reaffirmed in *KSR Intern. Co. v. Teleflex Inc.*¹, MPEP § 706.02(j) prescribes that a rejection under 35 U.S.C. § 103 should set forth:

- (A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate;
- (B) the difference or differences in the claim over the applied reference(s);
- (C) the proposed modification of the applied reference(s) to arrive

¹ The “[Graham] factors continue to define the inquiry.” 550 U.S. 398 (2007).

at the claimed subject matter; and
(D) an explanation as to why the claimed invention would have been obvious to one of ordinary skill in the art at the time the invention was made.

The MPEP prescribes that, “when evaluating the scope of a claim, *every limitation in the claim must be considered*,” (§ 2106 II(C), *emphasis added*) and, “*All words in a claim must be considered in judging the patentability of that claim against the prior art.*” (§ 2143.03, *emphasis added*). Applicant submits that the pending rejection has failed to consider “every limitation in the claim” and “[a]ll words in [the] claim” in judging the patentability of the claim against the prior art by mischaracterizing claim elements and/or over-generalizing the applied reference(s). As with this Office Action, when the Examiner mischaracterizes and/or provides references that are missing claimed elements, then the Examiner has failed to fulfill MPEP § 706.02(j) requirements **(A)** and/or **(B)**, and as a consequence, has failed to establish a *prima facie* case of obviousness. 35 U.S.C. § 103.

Missing Claim Element(s)

Applicant submits the cited references (taken alone or in combination) do **not** discuss, do **not** render obvious, and are in fact missing at least the following element(s) as recited, *inter alia*, in amended independent claim 157:

A method implemented by a computer server system programmed for operating a collaborative support system for a plurality of users, comprising:

...

the computer server system receiving from a second subset of the plurality of users second items comprising first rating data entries corresponding to one or more of the posted first items;

the computer server system receiving from a third subset of the plurality of users third items comprising second rating data entries rating the second items;

...
wherein all of the plurality of users are enabled to post first items and to submit the second and the third items, and thus, to become members of the second and the third subsets of the plurality of users.

The Office Action asserts the claimed elements as recited in previously pending independent claim 157 are shown in Gakidis. Although Applicant disagrees with and traverses the rejection of the previously pending claim 157, Applicant has amended claim 157 to further clarify the claimed elements and submits that claim 157 as amended is patentably distinct from Gakidis.

In contrast to the amended claim 157, Applicant submits that Gakidis discusses *rating an idea or a participant using credentials of participants and price achieved*. Gakidis's system "provides a scientific and quantifiable system and method for evaluating and promoting ideas inside organizations. ... the value of each idea is derived in an objective, scientific manner." (emphasis added) (Gakidis, para. [0013]). Gakidis explains, "this rating system for ideas judges the rated venture based on the credentials of the parties to a market transaction and the price achieved," (Gakidis, para. [0061]). Gakidis elaborates, "the credentials of the parties are objectively measured and verified, e.g., academic achievement," (Gakidis, para. [0061]). Gakidis reiterates, "the rating is a market-based rating and not based on third party subjective opinion," (emphasis added) (Gakidis, para. [0062]). Accordingly, Applicant submits Gakidis's *rating an idea or a participant using credentials of participants and price achieved without subjective rating of the participants' ratings of ideas* is different from at least the claimed "receiving ... second items comprising first rating data entries ...

receiving ... second rating data entries rating the second items," as recited in amended independent claim 157.

Furthermore, Applicant submits that in contrast to the amended claim 157, Gakidis discusses *limiting participants who may provide feedback regarding an idea to system selected experts*. In Gakidis, the system "determin[es] the relevant members who are best suited to judging each particular idea," (Gakidis, para. [0013]). Gakidis explains, "the experts can specifically be selected by system administration based on the nature of the proposed idea," (Gakidis, para. [0048]). Gakidis elaborates regarding the selection process, "the experts may be required to submit resumes including information about themselves and their experience, and including name and current position," (Gakidis, para. [0049]). Accordingly, Applicant submits Gakidis's *limiting participants who may provide feedback regarding an idea to system selected experts* is different from at least the claimed "wherein all of the plurality of users are enabled to post first items and to submit the second and the third items, and thus, to become members of the second and the third subsets of the plurality of users," as recited in amended independent claim 157.

Should the Examiner maintain the rejection, Applicant respectfully requests that the Examiner provide specific citations and explanations describing how each and every element of the pending claims are allegedly rendered obvious by the cited references, providing indications of specific, alleged correspondences between claim elements and cited portions of the applied references.

Furthermore, Applicant submits that dependent claims 158-190, which depend directly or indirectly from independent claim 157, are also not discussed or rendered obvious

by Gakidis for at least similar reasons as those discussed above identifying deficiencies in Gakidis with regard to independent claim 157. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections and allowance of claims.

CONCLUSION

Applicant asserts that the above remarks, which distinguish the claims over the cited reference(s), pertained only to noted claim element portions. These remarks are believed to be sufficient to overcome the prior art to this Office Action (and/or any previous office action(s)) (hereinafter "Office Action(s)"). While many other claim elements and/or bases for rejection were not discussed, as they have been rendered moot based on the above amendments and/or remarks, Applicant asserts that all such remaining and not discussed claim elements and/or bases for rejection, all, also are distinguished over the prior art, and Applicant reserves the opportunity to more particularly traverse, remark and/or distinguish over any such remaining claim elements and/or bases for rejection at a later time, should it become necessary. Further, any remarks that were made in response to the Office Action(s)' objection and/or rejection as to any one claim element, and which may have been re-asserted as applying to other Office Action(s) objection(s) and/or rejection(s) as to any other claim element(s), any such re-assertion(s) of remarks are not meant to imply that there is commonality about the structure, functionality, means, operation, and/or scope of any of the claim element(s), and no such commonality is admitted as a consequence of any such re-assertion(s) of remarks. Consequently, the reference(s) cited the Office Action(s) do not result in the claimed invention(s), there was/is no motivation, basis and/or rationale for such a

combination of references (i.e., cited references do not teach, read on, suggest, or result in the claimed invention(s)), and the claimed invention(s) are not admitted to be prior art. Also, Applicant does not accept, admit, and/or concede to any assertions, (mis)characterizations (e.g., of claims, references, and/or otherwise), and/or Official Notice(s) in the Office Action(s). As such, Applicant does not concede that any claim element(s) have been anticipated and/or rendered obvious by any of the cited reference(s) and/or any Official Notice in the Office Action(s). Thus, the Applicant respectfully submits that the supporting remarks and claimed inventions, claims 157-209, all: overcome all rejections and/or objections as noted in the Office Action(s), are patentable over and discriminated from the cited reference(s), and are in a condition for allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection(s) and/or objection(s), and allowance of all claims.

Authorization

Applicant hereby authorizes and requests that the Commissioner charge any additional fees that may be required for consideration of this and/or any accompanying and/or necessary papers to Deposit Account No. 03-1240, Order No. 17245-009. In the event that an extension of time is required (or which may be required in addition to that requested in a petition for an extension of time), Applicant requests that the Commissioner grant a petition for an extension of time required to make this response timely, and, Applicant hereby authorizes and requests that the Commissioner charge any fee or credit any overpayment for such an extension of time to Deposit Account No. 03-1240, Order No. 17245-009.

In the event that a telephone conference would facilitate examination of the application in any way, Applicant invites the Examiner to contact the undersigned at the number provided.

Respectfully submitted,
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Dated: May 23, 2011

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